

1 Name of Person Asking for Order:

Laura Fleiss

Your lawyer in this case (if you have one):

Name: Samantha Spector/Lisa Meyer State Bar No.: 204482/106105Firm Name: Spector Law, APLC/Meyer, Olson, Lowy & Meyers, LLP

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)

Address: 1901 Avenue of the Stars, Suite 1020City: Los Angeles State: CA Zip: 90067Telephone: (424) 313-7500 Fax: _____E-Mail Address: ss@spectorlawfirm.com

2 Name of Person to Be Restrained:

Michael L. Fleiss

The court will fill out the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Name and address of court if different from above:

Hearing
DateDate: 08-06-19 Time: 8:30am
Dept.: 65 Room: 608

4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)

a Temporary Restraining Orders for personal conduct and stay-away orders as requested in form DV-100, Request for Domestic Violence Restraining Order, are (check only one box below):

- (1) ☒ All **GRANTED** until the court hearing.
 (2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
 (3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form DV-100, Request for Domestic Violence Restraining Order, are:

- (1) ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5.)
 (2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
 (3) ☐ Further explanation of reason for denial, or reason not listed above:

FILED
 Superior Court of California
 County of Los Angeles
 JUL 16 2019
 Sherri R. Carter, Executive Officer, Clerk
 By Cindy Kim, Deputy

Fill in court name and street address:

Superior Court of California, County of
 LOS ANGELES
 Los Angeles Superior Court
 111 N. Hill Street
 Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number:
 19STFL8172



5 Confidential Information Regarding Minor

- a. ☐ A Request to Keep Minor's Information Confidential (form DV-160) was made and **GRANTED** (see form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described on the order (form DV-165, item **8**) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1,000 or possible sanctions.

6 Service of Documents by the Person in 1

At least ☒ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form (DV-109, Notice of Court Hearing) to the person in **2** along with a copy of all the forms indicated below:

- a. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- b. ☒ DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- e. DV-250, Proof of Service by Mail (blank form)
- f. ☐ DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g. ☐ Other (specify): _____

Date: JUL 16 2019

Emily T. Spear
Judicial Officer

EMILY T. SPEAR

Right to Cancel Hearing: Information for the Person in 1

- If item **4**(a)(2) or **4**(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item **6** on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item **6** served on the other person within the time listed in item **6**.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.



To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read form DV-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

To the Person in ② :

- If you want to respond in writing, mail a copy of your completed form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail form DV-120 yourself. Someone age 18 or older — **not you** — must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the hearing.
- For information about responding to a restraining order and filing your answer, read form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years.
- The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: JUL 16 2019

Clerk, by , Deputy

Cindy Kim



Person in ① must complete items ①, ②, and ③ only.

① Name of Protected Person:

Laura Fleiss

Your lawyer in this case (if you have one):

Name: Samantha F. Spector/Lisa H. Meyer State Bar No.: 204482/106105

Firm Name: Spector Law, APLC/Meyer, Olson, Lowy & Meyers, LLP

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 1901 Avenue of the Stars, Suite 1020

City: Los Angeles State: CA Zip: 90067

Telephone: (424) 313-7500

Fax: _____

E-mail Address: ss@spectorlawfirm.com

② Name of Restrained Person:

Michael L. Fleiss

Description of restrained person:

Sex: ☒ M ☐ F Height 6'4" Weight: 220 Hair Color: Black Eye Color: Green
 Race: Caucasian Age: 55 Date of Birth: 04/14/1964
 Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to protected person: Husband

③ ☒ Additional Protected Persons

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

Full name	Relationship to person in ①	Sex	Age
<u>Benjamin Garcia Fleiss</u>	<u>Son</u>	<u>Male</u>	<u>4</u>
_____	_____	_____	_____
_____	_____	_____	_____

☐ Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Court Hearing

This order expires at the end of the hearing stated below:

Hearing Date: 08-06-19 Time: 8:30 ☒ a.m. ☐ p.m.

Clerk stamps date here when form is filed.

FILED

Superior Court of California
County of Los Angeles

JUL 16 2019

Sherri R. Carter, Executive Officer/Clerk

By [Signature], Deputy

Fill in court name and street address:

Superior Court of California, County of
LOS ANGELES
111 N. Hill Street
Los Angeles, 90012
Central District

Court fills in case number when form is filed.

Case Number:
19STFL08172

This is a Court Order.



⑤ ☒ **Criminal Protective Order**

- a. ☐ A criminal protective order on Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. ☒ No information has been provided to the judge about a criminal protective order.

To the person in ②

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑥ **Personal Conduct Orders** ☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

- a. You must **not** do the following things to the person in ① and ☐ persons in ③:
- ☒ Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements
 - ☒ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
 - ☐ Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ③.
(If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.
- c. ☐ Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

⑦ **Stay-Away Order** ☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

- a. You must stay at least (*specify*): 100 yards away from (*check all that apply*):
- ☒ The person in ①
 - ☒ Home of person in ①
 - ☒ The job or workplace of person in ①
 - ☒ Vehicle of person in ①
 - ☐ School of person in ①
 - ☒ The persons in ③
 - ☒ The child(ren)'s school or child care
 - ☐ Other (*specify*): _____
- b. ☐ Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

⑧ **Move-Out Order** ☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): 5204 Wete Road, Hanalei, Hawaii 96714

This is a Court Order.



9 No Guns or Other Firearms or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) Bring a court filed copy to the hearing.
- c. ☐ The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

The person in (1) can record communications made by you that violate the judge's orders.

11 Care of Animals

☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

The person in (1) is given the sole possession, care, and control of the animals listed below. The person in (2) must stay at least yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

"Nina", brown Doberman Pinscher

12 Child Custody and Visitation

☐ Not requested ☐ Denied until the hearing ☒ **Granted as follows:**

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (specify other form): _____. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control

☒ Not requested ☐ Denied until the hearing ☐ **Granted as follows:**

Until the hearing, *only* the person in (1) can use, control, and possess the following property:

15 Debt Payment

☒ Not requested ☐ Denied until the hearing ☐ **Granted as follows:**

The person in (2) must make these payments until this order ends:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 Property Restraint

☒ Not requested ☐ Denied until the hearing ☐ **Granted as follows:**

If the people in (1) and (2) are married to each other or are registered domestic partners, ☐ the person in (1) ☐ the person in (2) must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (The person in (2) cannot contact the person in (1) if the court has made a "no contact" order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



17 Spousal Support

Not ordered now but may be ordered after a noticed hearing.

18 Rights to Mobile Device and Wireless Phone Account

a. Property control of mobile device and wireless phone account

☒ Not requested ☐ Denied until the hearing ☐ Granted as follows:

Until the hearing, only the person in **(1)** can use, control, and possess the following property:

Mobile device (describe) _____ and account (phone number): _____

Mobile device (describe) _____ and account (phone number): _____

Mobile device (describe) _____ and account (phone number): _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.

b. Debt Payment ☒ Not requested ☐ Denied until the hearing ☐ Granted as follows:

The person in **(2)** must make these payments until this order ends:

Pay to (wireless service provider): _____ Amount: \$ _____ Due date: _____

c. Transfer of Wireless Phone Account

Not ordered now but may be ordered after a noticed hearing.

19 Insurance

☐ The person in **(1)** ☐ the person in **(2)** is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

20 Lawyer's Fees and Costs

Not ordered now but may be ordered after a noticed hearing.

21 Payments for Costs and Services

Not ordered now but may be ordered after a noticed hearing.

22 Batterer Intervention Program

Not ordered now but may be ordered after a noticed hearing.

23 Other Orders ☐ Not requested ☐ Denied until the hearing ☐ Granted as follows:

☐ Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.

24 No Fee to Serve (Notify) Restrained Person

If the sheriff serves this order, he or she will do so for free.

Date: JUL 16 2019

Emily T. Spear
Judge (or Judicial Officer)

This is a Court Order.

EMILY T. SPEAF



Warnings and Notices to the Restrained Person in ②

If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You Cannot Have Guns, Firearms, And/Or Ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

This is a Court Order.

**Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)**



If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, §13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Certificate of Compliance With VAWA

This temporary protective order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

(Clerk will fill out this part.)

—Clerk's Certificate—



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

JUL 16 2019

Date: _____ Clerk, by _____, Deputy

Cindy Kim

This is a Court Order.

This form is attached to (check one): ☒ DV-110 ☐ DV-1301 Name of Protected Person: Laura Fleiss ☒ Mom ☐ Dad ☐ Other*2 Other Parent's Name: Michael L. Fleiss ☐ Mom ☒ Dad ☐ Other*

* If Other, specify relationship to child: _____

The Court Orders:

3 ☒ Child Custody is ordered as follows:Legal Custody to: (Person
who makes decisions about
health, education. Check at
least one.)Physical Custody to:
(Person the child lives with.
Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Benjamin Garcia Fleiss</u>	<u>5/4/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

* If Other, specify relationship to child and name of person: _____

4 ☒ Child Visitation is ordered as follows:

- a. ☒ No visitation to ☐ Mom ☒ Dad ☐ Other (name): _____
- b. ☐ See the attached _____ - page document, dated: _____
- c. ☐ The parties must go to mediation at: _____
- d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other (name): _____ will be:

(1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.

(day of week) (time) (day of week) (time)

(2) ☐ Weekdays (starting): _____

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.

(day of week) (time) (day of week) (time)

(3) ☐ Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

5 ☐ Supervised Visitation or Exchange

Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

This is a Court Order.



☐ **Responsibility for Transportation for Visitation**

- 6 "Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.
- a. ☐ Mom ☐ Dad ☐ Other (name): _____ take children to the visits.
- b. ☐ Mom ☐ Dad ☐ Other (name): _____ pick up children from the visits.
- c. ☐ Drop-off / pick-up of children will be at (address): _____

☐ **Travel with Children**

- 7 ☐ Mom ☐ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:
- a. ☐ The State of California
- b. ☐ The United States of America
- c. ☐ Other place(s) (list): _____

☐ **Child Abduction**

- 8 There is a risk that one of the parents will take the children out of California without the other parent's permission. ☐ The orders in Form DV-145, Order: No Travel with Children, are attached and must be obeyed. (Fill out and attach Form DV-145 to this form.)

☐ **Other Orders**

- 9 Check here and attach any other orders to this form. Write "DV-140, Other Orders" as a title.

Jurisdiction

- 10 This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

Notice and Opportunity to Be Heard

- 11 The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

Country of Habitual Residence

- 12 The country of habitual residence of the child or children in this case is ☐ The United States of America or ☐ Other (specify): _____

Penalties for Violating This Order

- 13 If you violate this order, you may be subject to civil or criminal penalties, or both.

Duration of Child Custody, Visitation, and Support Orders

- 14 If this form is attached to Form DV-130 (Restraining Order After Hearing), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

DV-100**Request for Domestic
Violence Restraining Order**

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

Stamps date here when form is filed.

FILED

Superior Court of California
County of Los Angeles

JUL 16 2019

Sherri R. Carter, Executive Officer/Clerk

By Cindy Kim, Deputy

1 Name of Person Asking for Protection:

Laura Fleiss Age: 31

Your lawyer in this case (if you have one):

Name: Samantha Spector/Lisa Meyer State Bar No.: 204482/106105

Firm Name: Spector Law, APLC / MOLM

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 1901 Avenue of the Stars, Suite 1020

City: Los Angeles State: CA Zip: 90067

Telephone: (424) 313-7500 Fax: _____

E-Mail Address: ss@spectorlawfirm.com

Fill in court name and street address:

**Superior Court of California, County of
LOS ANGELES**
111 N. Hill Street
Los Angeles, 90012
Central District

Court fills in case number when form is filed.

Case Number:
19STFL08172

2 Name of Person You Want Protection From:

Michael L. Fleiss

Description of person you want protection from:

Sex: ☒ M ☐ F Height: 6'4" Weight: 220 Hair Color: Blk Eye Color: Brn

Race: Caucasian Age: 55 Date of Birth: 04/14/1964

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Do you want an order to protect family or household members? ☒ Yes ☐ No

If yes, list them

Full name	Sex	Age	Lives with you?	Relationship to you
<u>Benjamin Garcia Fleiss</u>	<u>Male</u>	<u>4</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>son</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. ☒ We are now married or registered domestic partners.
- b. ☐ We used to be married or registered domestic partners.
- c. ☒ We live together.
- d. ☐ We used to live together.
- e. ☒ We are related by blood, marriage, or adoption (specify relationship): _____
- f. ☐ We are dating or used to date, or we are or used to be engaged to be married.
- g. ☒ We are the parents together of a child or children under 18:

Child's Name: Benjamin Garcia Fleiss

Date of Birth: May 4, 2015

Child's Name: _____

Date of Birth: _____

Child's Name: _____

Date of Birth: _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.

- h. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one)

If you do not have one of these relationships, the court may not be able to consider your request. Read Form DV-500-INFO for help.

This is not a Court Order.



5 Other Restraining Orders and Court Cases

- a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

☒ No ☐ Yes (date of order): _____ and (expiration date): _____ (Attach a copy if you have one).

- b. Have you or any other person named in ③ been involved in another court case with the person in ②?

☒ No ☐ Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.			

Check the orders you want. ☒

6 ☒ Personal Conduct Orders

I ask the court to order the person in ② not to do the following things to me or anyone listed in ③:

- a. ☒ Harass, attack, strike, threaten assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b. ☒ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 ☒ Stay-Away Order

- a. I ask the court to order the person in ② to stay at least 100 yards away from (check all that apply):

☒ Me ☐ My school
☒ My home ☒ Each person listed in ③
☐ My job or workplace ☒ The child(ren)'s school or child care
☒ My vehicle ☐ Other (specify): _____

- b. If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle? ☒ Yes ☐ No (If no, explain): _____

8 ☒ Move-Out Order

(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

I ask the court to order the person in ② to move out from and not return to (address):
 5204 Weke Road, Hanalei, Hawaii, 96714.

I have the right to live at the above address because (explain):
 Ben and I have been living there.

This is not a Court Order.

- 9 **Guns or Other Firearms or Ammunition**
I believe the person in ② owns or possesses guns, firearms, or ammunition. ☐ Yes ☐ No ☒ I don't know
If the judge approves border, the person in ② will be ordered not to own, possess purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.

- 10 ☒ **Record Unlawful Communications**
I ask for the right to record communications made to me by the person in ② that violate the judge's orders.

- 11 ☒ **Care of Animals**
I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in ② to stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:
our dog, Nina

I ask for the animals to be with me because:
Nina is at the residence with me and Ben

- 12 ☒ **Child Custody and Visitation**
a. ☒ I do not have a child custody or visitation order and I want one.
b. ☐ I have a child custody or visitation order and I want it changed.
If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders. You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

- 13 ☐ **Child Support** (Check all that apply):
a. ☐ I do not have a child support order and I want one.
b. ☐ I have a child support order and I want it changed.
c. ☐ I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.
If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

- 14 ☐ **Property Control**
I ask the court to give *only* me temporary use, possession, and control of the property listed here:

- 15 ☐ **Debt Payment**
I ask the court to order the person in ② to make these payments while the order is in effect:
☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

- 16 ☐ **Property Restraint**
I am married to or have a registered domestic partnership with the person in ②. I ask the judge to order that the person in ② not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course business or for necessities of life. I also ask the judge to order the person in ② to notify me of any new or big expenses and to explain them to the court.

- 17 ☐ **Spousal Support**
I am married to or have a registered domestic partnership with the person in ② and no spousal support order exists. I ask the court to order the person in ② to pay spousal support. (You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).

This is not a Court Order.



18 ☐ Rights to Mobile Device and Wireless Phone Account

a. ☐ Property control of mobile device and wireless phone account

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices: _____ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in **(2)** :

(including area code): _____ ☐ my number ☐ number of child in my care
(including area code): _____ ☐ my number ☐ number of child in my care
(including area code): _____ ☐ my number ☐ number of child in my care

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.

b. ☐ Debt Payment

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because: _____

Name of the wireless service provider is: _____ Amount: \$ _____ Due Date: _____

If you are requesting this order, you must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing.

c. ☐ Transfer of Wireless Phone Account

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)** .

If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.

19 ☐ Insurance

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)** , or our child(ren), for whom support may be ordered, or both.

20 ☐ Lawyer's Fees and Costs

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

You must complete, file and serve form FL-150, Income and Expense Declaration, before your hearing.

21 ☐ Payments for Costs and Services

I ask the court to order the person in **(2)** to pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

22 ☒ Batterer Intervention Program

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

23 ☐ Other Orders

What other orders are you asking for? _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

This is not a Court Order.

24 ☐ **Time for Service (Notice)**

The papers must be personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help read Form DV-200-INFO, "What Is Proof of Personal Service"?

25 **No Fee to Serve (Notify) Restrained Person**

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

26 **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

27 **Describe Abuse**

Describe how the person in ② abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: July 4 - 6

1. Who was there? Myself, Michael, Benjamin

2. Describe how the person in ② abused you or your child(ren):

SEE ATTACHED DECLARATION

☒ *Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.*

3. Did the person in ② use or threaten to use a gun or any other weapon? ☒ No ☐ Yes (If yes, describe):

4. Describe any injuries: bruises; scratched neck

5. Did the police come? ☒ No ☐ Yes

If yes, did they give you or the person in ② an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
Attach a copy if you have one.

The order protects ☐ you or ☐ the person in ②

This is not a Court Order.

27 Describe Abuse (continued)

Has the person in ② abused you (or your child(ren)) other times?

b. Date of abuse: _____

1. Who was there? _____

2. Describe how the person in ② abused you or your child(ren):

SEE ATTACHED DECLARATION

☒ Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in ② use or threaten to use a gun or any other weapon? ☒ No ☐ Yes (If yes, describe):

4. Describe any injuries: _____

5. Did the police come? ☐ No ☐ Yes

If yes, did they give you or the person in ② an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know Attach a copy if you have one.

The order protects ☐ you or ☐ the person in ②

If the person in ② abused you other times, check here ☐ and use Form DV-101. Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

28 Other Persons to Be Protected

The persons listed in item ③ need an order for protection because (describe): _____

SEE ATTACHED DECLARATION

29 Number of pages attached to this form, if any: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: July 15, 2019

Laura Fleiss

Type or print your name

Date: July 15, 2019

Samantha F. Spector, Esq.

Lawyer's name, if you have one

▶ see electronic signature on the next page

Sign your name

▶ see electronic signature on the next page

Lawyer's signature

This is not a Court Order.

27 Describe Abuse (continued)

Has the person in **2** abused you (or your child(ren)) other times?

b. Date of abuse _____

1. Who was there? _____

2. Describe how the person in **2** abused you or your child(ren)

SEE ATTACHED DECLARATION

☒ Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in **2** use or threaten to use a gun or any other weapon? ☒ No ☐ Yes (If yes, describe) _____

4. Describe any injuries _____

5. Did the police come? ☐ No ☐ Yes

If yes, did they give you or the person in **2** an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know. Attach a copy if you have one.

The order protects ☐ you or ☐ the person in **2**.

If the person in **2** abused you other times, check here ☐ and use Form DV-101, Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

28 Other Persons to Be Protected

The persons listed in item **3** need an order for protection because (describe) _____

SEE ATTACHED DECLARATION

29 Number of pages attached to this form, if any: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: July 15, 2019

Laura Fleiss

Type or print your name

Date: July 15, 2019

Samantha F. Spector, Esq.

Lawyer's name, if you have one

L. Fleiss

Sign your name

Samantha F. Spector

Lawyer's signature

This is not a Court Order.

DECLARATION OF LAURA FLEISS
DV-100: RECENT ABUSE

I, LAURA FLEISS, declare as follows:

1. I submit this Declaration in support of my Request for Domestic Violence Restraining Orders ("DVRO"). If called upon as a witness, I could and would testify competently to the following:

MOST RECENT INCIDENT OF ABUSE: JULY 4 THROUGH JULY 6, 2019

2. Petitioner, Michael Fleiss ("Mike"), and I met in 2012 when I was a participant in the Miss America pageant, and he was a judge. We were married on April 6, 2014. We have one child together, Benjamin Garcia Fleiss ("Ben"), born May 4, 2015. I am also approximately 10 weeks pregnant with our second child.

3. On July 10, 2019, I learned through the media that Mike had filed a Petition for Dissolution of Marriage in Los Angeles Superior Court. The LASC case number is **19STFL08172**. In his Petition for Dissolution, Mike declared that he is a resident of Los Angeles County.

4. Mike works as executive in the entertainment industry. I have been a stay-at-home mother since Ben was born four years ago. We have multiple residences together, including three located in Kauai, Hawaii, and one in Malibu, California. Mike goes back and forth between Hawaii and Los Angeles frequently, as his entertainment business is headquartered there.

5. While Mike has frequently been verbally abusive towards me during our marriage, in recent weeks, he has become enraged, due to the fact I am pregnant with our second child. Mike told me many times that he did not want us to have a second child. He also repeatedly told me throughout our marriage, and prior to our marriage, that he knew he would "have to have" one child with me because I was 26 years-old when we got married, did not yet have any children, and he knew I wanted to have a family. Mike, however, being 55 years-old, did not want to have more than one child together.

6. On Thursday, July 4, 2019, while we were at our house in Kauai, Mike

1 demanded that I get an abortion. Our son Ben was in the house, seated in another room
2 nearby. Mike told me, **"If you have an abortion, then we can just go back to the way**
3 **we were."** Prior to July 4th, Mike threatened me that if I did not have an abortion, he would
4 end the marriage. This was not the first time he had threatened a divorce during our
5 marriage, but now, he was using this threat as leverage to force me to have an abortion.

6 7. In addition, on July 4th, Mike made the following statements to me:

- 7 a. **"I am cutting you off financially Monday morning;"**
- 8 b. **"You are paying for everything with your money;"**
- 9 c. **"Next time I see you, I don't want to see your stomach;" and**
- 10 d. **"You have a choice, you can choose. Have an abortion or go**
11 **back to Wisconsin, but you are not taking Ben."**

12 8. He continued to threaten me, demanding to see bank statements showing I
13 paid for an abortion and the flight information to and from Oahu for the medical procedure.

14 9. On **Friday July 5th**, Mike was even more angry than he was on July 4th. He
15 continued to berate me. He called me names, including a **"low rent gold-digger,"**
16 **"\$50,000 whore," "fucking cunt,"** and **"stupid cunt"** – all of which he has called me
17 before in the past in order to degrade, demean and humiliate me.

18 10. I tried to go into another room to call my mother. Mike refused to let me go
19 and made threats that I would lose access to my family and my family's ability to see Ben.
20 Mike said **"You aren't going to see your mother for the next two-to-three years. You**
21 **need to call [your mom] right now and tell her this."** I was terrified. Then he forced me
22 to call my mother from my cell phone while he was in standing and watching me in the
23 room. When I called my mother, Mike then grabbed the phone and began angrily lecturing
24 my mother. He told her I was getting an abortion. Then he said to her, **"You won't be**
25 **seeing [Laura] until after August 5 – after the abortion."** This statement was especially
26 scary to me, as I had not personally committed to having an abortion but had made an
27 appointment given Mike's insistence and pressure. I had no idea what exactly he meant
28 by it and interpreted it as a threat that he would prevent my family from having contact with

1 me or my son.

2 11. I was afraid of Mike because of his threats and verbal abuse. Therefore, on
3 Friday, July 5, 2019, I asked my friend Noelle if she would come to the house in Kauai,
4 where I was staying with Ben, and spend the night there with us. Mike had left to stay the
5 night at our house in Haena, Hawaii, but, just in case he returned, fearing for my and my
6 son's safety, I felt more comfortable having a third-party present in the house with. Noelle
7 was kind enough to grant my request and, to my great relief, came to stay with us.

8 12. On Saturday July 6th, Mike returned to our home in Kauai. I was in my
9 bedroom in bed with Ben, who was struggling with a bad cold and I was trying to comfort
10 him. Mike angrily entered Ben's bedroom looking for my cellphone. When I got up to leave
11 the room and picked up my cell phone, Mike, who is 6'4" and weighs approximately 220
12 pounds, forcibly grabbed my phone out of my hands. I immediately became concerned
13 and frightened that Mike would leave the property with my cellphone, stranding me there
14 without it and no access to Ben's physicians if needed given his bad cold and cough – or
15 any way to contact law enforcement if Mike became violent, as his threats indicated he
16 might. I attempted to grab my phone back from Mike, but I was not able to do so.

17 13. Mike exited the bedroom, and rushed to the top of the stairs. I followed him
18 trying to get my phone back from him, and he **yelled that he was going to "shove me**
19 **down the stairs."**

20 14. I followed him as he walked down the stairs towards the front door of the
21 house, begging him that I needed my cellphone back. Just before we got outside of the
22 front door, he grabbed my body, forcibly pinned me up against the wall and held me
23 there. After I broke free, he continued to use his arms and hands to aggressively push me
24 away from him as he walked outside the door, still not returning my phone. Then he walked
25 towards his pick-up truck parked outside in our driveway, shouting **"I'm going to punch**
26 **your face in."** Attached as **Exhibit "A"** are photos from the outdoor surveillance camera
27 at our home which show Mike pushing me again once we were both outside.

28 15. When he got to his truck, he opened the front driver-side door and entered. I

1 was right behind him, pleading with him not to leave me and Ben at the house without
2 access to my phone. With the driver-side door open and before Mike had turned on the
3 car, I stood on the outside running board/footstep directly below the driver-side door, which
4 is approximately 12-18 inches off the ground. While I was standing on there (between Mike
5 and the open door), **Mike put the truck in reverse and began to back up, and firmly**
6 **said, "You're fucked."** He then stopped the car suddenly, which nearly made me fall off
7 the running board and caused the swinging door to almost close on me. At this point, **Mike**
8 **forcefully shoved me off of the running board**, closed the car door and drove away with
9 my cellphone in his possession.

10 16. I was extremely traumatized from the incident and started crying hysterically.
11 Our unborn child and I could have been severely injured if I had fallen off the truck's running
12 board or run over the wheels of the truck. I began to scream for help.

13 17. A neighbor across the street heard me and came outside. I ran into his yard
14 and he called the police. After we learned it could take the police an hour or longer to
15 arrive, I asked the neighbor to drive Ben and me to a nearby friend's house, where I knew
16 we would be safe and away from Mike, if and when he returned home. I went back to the
17 house to get Ben, along with small duffle bag that I kept ready in the closet, packed with
18 clothes and other items, in case I ever needed to leave the house on short notice, because
19 of Mike's violent threats and erratic behavior. When I arrived at my friend's house, she
20 drove me to the police station where I spoke to a police officer to file a police report. The
21 officer asked me if I wanted to file an Emergency Protective Order but I declined as I was
22 fearful that I would further incite Mike and instead told the office I was going to seek safety
23 with my parents in a nearby hotel. I am currently in the process of trying to obtain a copy
24 of this officer's report.

25 18. On Monday July 8th, I went to my OBGYN to make sure our unborn baby was
26 in good health and to otherwise check the injuries I had suffered.

27 19. Collectively attached as **Exhibit "B"** are photographs I took on Saturday, July
28 6th, and Sunday, July 7th, of bruises on the inside of my arm, a scratch on my neck, and a

1 large tear in the dress that I was wearing on July 6th, all of which were caused by Mike's
2 violent behavior on July 6th.

3 20. I am afraid of Mike. I am afraid he will continue to act erratically towards me,
4 verbally and physically, and in the presence of Ben. I have been hiding in a hotel for the
5 past several days with Ben, and want to be able to return home without fear for myself, my
6 son and my unborn child.

7 **PRIOR ACTS OF ABUSE – EMOTIONAL AND VERBAL**

8 21. Over the past several years of our marriage, Mike has made many
9 emotionally derogatory and demeaning comments designed to demonstrate his financial
10 coercive control over me such as repeatedly insinuating that he would destroy me with his
11 wealth and power. Within that last year, he has verbally abused me many times telling me
12 that I am going to end up ***“fat and single in Kenosha, Wisconsin,”*** with the usual follow-
13 up comment of ***“Good luck with that.”*** He consistently would call me ***“fat,”*** telling me that
14 I need to lose weight, and berate me as being ***“lazy”*** and ***“incapable.”*** He has made these
15 comments in the presence of our son Ben. **The name-calling occurred on a regular**
16 **basis both inside and outside our home, often in front of other people, such as our**
17 **friends, my mother, and, most importantly, Ben. The continued verbal and emotional**
18 **abuse have wreaked havoc on my self-esteem.** I have spent time in therapy discussing
19 the effects upon me of Mike's demanding and denigrating comments.

20 22. In April 2018, we were in California the weekend of our wedding anniversary.
21 We went to dinner at Nobu in Malibu, and left Ben at our California residence with my
22 mother. When we were getting ready to leave Nobu, I used Mike's cellphone to order us a
23 ride home using Uber. While I was using Mike's cellphone, I saw some flirtatious text
24 messages between Mike and a female friend. I handed him his phone back with those text
25 messages open on his phone, so he knew that I had seen them. Mike went ballistic. He
26 screamed and cursed at me the entire ride home while we were in the Uber. When we got
27 home, he continued to criticize me and call me names, both that night and that the next
28 day, all in the presence of my mother. The day after our dinner at Nobu, he told me that he

1 was calling his attorney to file for divorce, and that I needed to "go back" to Wisconsin with
2 my mother – but without Ben. I was traumatized, both because of the degrading names
3 Mike was calling me, and because of his continuous threats to divorce me and make me
4 go back to Wisconsin. It was also emotionally humiliating that this took place in front my
5 mother.

6 **I AM BEN'S PRIMARY CARETAKER**

7 23. I have been Ben's primary caretaker since his birth. All feeding, changing
8 diapers, etc. was done by me or an au pair or night nurse. Ben is not a good sleeper. It is
9 not uncommon for him to be up two to four times a night. It has been this way since he
10 was a baby. I am the parent who gets up with Ben every single time in the middle of the
11 night; Mike sleeps in a different bedroom, or in the cottage, so that he can rest and not be
12 woken at night. I had to arrange childcare for anytime I needed to leave the house, even if
13 Mike was going to be home. If I was ever sick, I would arrange childcare for Ben so that I
14 could rest and get better, and Ben is cared for. I would coordinate childcare if I was going
15 to go workout, go to the grocery store, etc. Eventually, I started bringing Ben with me to
16 those types of activities.

17 24. Mike usually wakes up and sees Ben in the morning for breakfast, then goes
18 to his cottage to work, does his daily activities, swims, hikes on the beach, goes fishing,
19 plays in his band and then he will join us at the end of the day in the evening around dinner
20 time.

21 25. I make breakfast, lunch and dinner for Ben. I grocery shop for his food. I give
22 him his baths, brush his teeth with him, and read books with him before bed. Mike often
23 joins us to read books at night, but I stay with Ben until he falls asleep.

24 26. When Ben is sick, especially at night, I care for him, administering medicine,
25 taking his temperature and giving him baths to bring his fever down. I make all of Ben's
26 doctor's and dentist appointments, transport Ben to them, and attend them with him.

27 **CONCLUSION**

28 27. Given the above, this Court should immediately issue a Temporary Domestic

1 Violence Restraining Order so as to prevent Mike from engaging in further physical, verbal
2 and emotional abuse. I am requesting both personal conduct orders and stay away orders
3 to ensure some level of protection against Mike's conduct and for me and Ben to have
4 exclusive possession of our home.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed on July 15, 2019 in Koloa, Kauai.

7
8 [see electronic signature on the next page]
9 LAURA FLEISS

1 Violence Restraining Order so as to prevent Mike from engaging in further physical, verbal
2 and emotional abuse I am requesting both personal conduct orders and stay away orders
3 to ensure some level of protection against Mike's conduct and for me and Ben to have
4 exclusive possession of our home.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed on July 15, 2019 in Koloa, Kauai

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9 LAURA FLEISS

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This form is attached to DV-100, *Request for Domestic Violence Restraining Order*.

Check the orders you want ☒.

- ① Your name: Laura Fleiss ☒ Mom ☐ Dad ☐ Other*
- ② Other parent's name: Michael L. Fleiss ☐ Mom ☒ Dad ☐ Other*
- *If Other, specify relationship to child: _____

③ ☒ **Child Custody**

I ask the court for custody as follows:

Legal Custody to: (Person
who makes decisions about
health, education, and welfare)

Physical Custody to:
(Person you want the
child to live with)

Child's Name	Date of Birth	Mom	Dad	Other	Mom	Dad	Other
a. <u>Benjamin Garcia Fleiss</u>	<u>05/04/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.

④ ☐ **Change Current Court Order**

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____ County: _____

Explain your current order and why you want a change. _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.

⑤ **Child's Address**

Where has the child in ③(a) lived for the last 5 years? Give each city and state the child has lived unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. (If the current address is confidential, check the box below and just provide the current state).

Child ③ (a) addresses (city and state):	Child ③(a) lived with:			Dates lived there:
	Mom	Dad	Other	
<input checked="" type="checkbox"/> Confidential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to present
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.

This is not a Court Order.

Other Children's Addresses

- 6 ☒ Check here if the other child's (or children's) address information is the same as listed in .
☐ If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.

Other Custody Case

- 7 Were you involved in, or do you know of, any other custody case for any child listed in this form?
☒ No ☐ Yes If yes, fill out below and attach a copy of any custody or visitation orders if you have them:

- a. Name of each child in other custody case: _____
- b. Type of case: ☐ Parentage (Paternity) ☐ Divorce ☐ Child Support ☐ Guardianship
☐ Juvenile/Dependency ☐ Domestic Violence
☐ Other (specify): _____
- c. I was a ☐ Party ☐ Witness ☐ Other (specify): _____
- d. Court (name): _____
Address: _____ County: _____ State: _____
- e. Date of court order: _____
- f. Case number (if you have it): _____

Other People With or Claiming to Have Custody or Visitation Rights

- 8 Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? ☒ No ☐ Yes If yes, fill out below:
Name and address of that person: _____

- ☐ Has custody ☐ Claims custody rights ☐ Claims visitation rights
For these children (name of each child): _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Other People With or Claiming Custody or Visitation" for a title.

☒ Visitation

- 9 I ask the court to order that the person in 2 have the following temporary visitation rights:
(Check all that apply)
- a. ☒ No visitation until the hearing
- b. ☐ No visitation after the hearing
- c. ☐ The following visitation ☐ until the hearing ☐ after the hearing
- (1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)
- (2) ☐ Weekdays (starting): _____
from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)

This is not a Court Order.

☐ **Other Visitation**

- 10 *Attach a sheet of paper with other visitation days and times, like summer vacation, holidays, and birthdays. List dates and times. Write "DV-105, Visitation" for a title.*

☐ **Responsibility for Transportation**

- 11 *The parent will take or pick up the child or make arrangements for someone else to do so.*

I ask the court to order that:

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ **take children to the visits.**
h. ☐ Mom ☐ Dad ☐ Other (name): _____ **pick up children from the visits.**
c. ☐ Drop-off / pick-up of children will be at (address): _____
d. ☐ Check here if other arrangement. Attach a sheet of paper and write "DV-105, Responsibility for Transportation" for a title.

☐ **Supervised Visitation**

- 12 a. I ask that the visitation in _____ be supervised by

☐ A professional supervisor ☒ A non-professional supervisor ☐ Other _____
Name and telephone number, if known: _____

- b. I ask that the visitation in _____ be supervised by

☐ A professional supervisor ☒ A non-professional supervisor ☐ Other _____
Name and telephone number, if known: _____

- c. I ask that any costs for supervision be paid by:

Mom _____% Dad _____% Other (name) _____%

☐ **Travel With Children**

- 13 I ask the court to order that:

☐ Mom ☐ Dad ☐ Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:

- a. ☐ The State of California ☐ County of: _____
b. ☐ Other place(s) (list): _____

☐ **Child Abduction Risk**

- 14 ☐ I believe that there is a risk the other parent will take our child out of California and hide the child from me.
If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not take the child out of California without a noticed hearing. (See Family Code §3063.)

This is not a Court Order.

at 18:36:28

Camera 01



at 18:36:29

Camera 01



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at 18:36:29



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